

Application No. 09/778,687

706.07, first paragraph) and requests its reversal and the allowance of Claims 19 through 25 in their present form, i.e., as amended in accordance with the previous statement of allowability.

Claim Rejections Under 35 U.S.C. § 102(b)

To anticipate a claim, the reference must teach every element of the claim (MPEP 2131). However, all of the rejections over the "newly discovered" references are explicitly based on a human person being the claimed active external change aid and/or the claimed effect generating element by dint of using the elements disclosed in the references, i.e., on equating the human user of an article disclosed in a reference to the claimed invention.

Applicants' agent very respectfully avers that this basis is improper. Just as it would be improper for applicants to claim a human person, it is improper for the Examiner to reject a claim on the basis that a human person using something disclosed in a reference is the claimed invention.

Additionally, applicants' agent respectfully points out that it is completely clear to one of skill in the art that the claimed active external change aid is provided to assist the human user and is not, itself, the human user.

Accordingly, applicants' agent respectfully requests that the Examiner reconsider and withdraw the rejections under 35 U.S.C. 102(b) of Claims 19 through 25.

SUMMARY

In light of the above remarks, applicants' agent requests that the Examiner reconsider and withdraw the rejections and allow the pending claims. The issuance of a Notice of Allowance at an early date is respectfully requested.

Respectfully submitted,

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